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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/24/2010 has been entered.
2. Claims 1, 3-11 and 46-51 are currently pending in this application. Claims 1, 9-11 are independent claims. Claims 1, 3-11 and 46-51 are rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-11 and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0027670 by Petropoulos (hereinafter Petropoulos) in view of Non-Patent Literature "QueryCat: Automatic Categorization of MEDLINE Queries", by Amia, Inc., pages 655-659, published year 2000, written by Wanda Pratt and Henry Wasserman (hereinafter Pratt).

Regarding Claims 1 and 9-11, Petropoulos discloses a method performed by a device, comprising:

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receiving, at one or more processors of the one or more server devices, a query, from a client device (*a user enters a query; paragraph 0021*), that includes one or more terms (Petropoulos: [0021, 0063-0064]; figs. 1 & 5);

determining, by one or more processors of the one or more server devices, whether the query is a commercial query by (*if the query is determined to be the purchase of goods or services; paragraph 0071*) (Petropoulos: [0018-0019, 0071 & 0085]; figs. 1 & 5):

processing, by one or more processors of the one or more server devices, the query in a first manner when the query is not determined to be a commercial query (*educational research; paragraph 0071*), where processing the query in a first manner (*the process is configured to promote non-commercial material; paragraph 0071*) includes ranking documents in a first manner (Petropoulos: [0018, 0063, 0067, 0071]); and

processing, by one or more processors of the one or more server devices, the query in a second, different manner in response to determining that the query is a commercial query (*purchase of goods or services; paragraph 0071*), where processing the query in a second manner (*the process may be reconfigured to emphasize commercial or converting material; paragraph 0071*) includes ranking documents in a second, different manner (Petropoulos: [0021-0022, 0071]).

While Petropoulos discloses the idea of categorizing a query into a commercial query or a non-commercial query (paragraph 71), Petropoulos does not specifically disclose such a categorization is performed based on the comparison between a query and a list of commercial query patterns. However, Pratt discloses the feature of determining whether query keywords have any patterns of specific words or phrases <lexical pattern match> or looks for patterns in

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the meaning of the words or phrases <semantic pattern match> (Pratt: pg. 656, col. 1, lns. 39-col. 2, lns. 2; fig. 1). Pratt further discloses the feature of determining a query type based on query keywords (query phrase “treatments for breast cancer” will be returned with the specific treatment such as radiation therapy as categories and will present a hierarchy of those categories to the user; pg. 655, col. 2, lns. 27-30; pg. 656). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Petropoulos in view of Pratt to utilize the teaching of Pratt in the system of Petropoulos in order to improve query categorization process resulting in providing a more efficient search system.

In addition, claim 10 discloses a server comprising a memory to store instructions (Petropoulos: [0084]; a machine-readable medium/media with operating system software executing in memory).

Regarding claims 3 and 46, Petropoulos and Pratt disclose the method where the determining whether the query is a commercial query further includes:

determining, when the one or more terms of the query is not included in the list of category query patterns, whether the one or more terms of the query relates to at least one category query pattern in the list of category query patterns (Petropoulos: [0071, 0078 & 0080]) and (Pratt: pg. 655, col. 1, lns. 21-col. 2, lns. 20);

identifying the query as a commercial query when the one or more terms of the query relates to at least one commercial query pattern in the list of the commercial query patterns (Petropoulos: [0071 & 0078]) and (Pratt: pg. 657, col. 1, [Semantic Analysis Phase]), and

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identifying the query as not being a commercial query when the one or more terms of the query is unrelated to the list of commercial query patterns (Petropoulos: [0071 & 0080]) and (Pratt: pg. 657, col. 1, [Semantic Analysis Phase]).

Regarding claim 4 and 47, Petropoulos and Pratt disclose the method where the determining whether the query relates to at least one commercial query pattern in the list of commercial query patterns includes:

determining whether the one or more terms of the query relates to at least one commercial query pattern based at least in part on at least one of whether a stem word of the one or more terms of the query matches a stem word of a commercial query pattern in the list, or whether a synonym of the one or more terms of the query matches a category query pattern in the list (Petropoulos: [0071]) and (Pratt: pg. 656, col. 2, [Lexical Analysis Phase]).

Regarding claim 5, Petropoulos and Pratt disclose the method where the processing the query in a first manner includes:

retrieving one or more documents relating to the query (Petropoulos: [0071, 0077]); and scoring the one or more documents based at least in part on a first set of criteria (*process data, such as text, link popularity and word scores; paragraph 0060 of Petropoulos*) (Petropoulos: [0060, 0066-0067, 0071, 0076]) and (Pratt: pg. 655, col. 2, lns. 27-30).

Regarding claim 6, Petropoulos and Pratt discloses the method wherein the processing the query in a second, different manner includes:

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retrieving the one or more documents relating to the query (Petropoulos: [0071 & 0077]),
and

scoring the one or more documents based at least in part on a second, different set of
criteria (*processed by using a computed values which would include past or predicted
performance calculations including conversion information; paragraph 0061 of Petropoulos*)
(Petropoulos: [0061, 0066-0067, 0071, 0076]) and (Pratt: pg. 655, col. 2, lns. 27-30).

Regarding claim 7 and 50, Petropoulos and Pratt disclose the method where the
determining whether the query is a commercial query includes:

determining whether the query is a commercial query based at least in part on one or
more attributes of documents that match the query (Petropoulos: [0071]) and (Pratt: pg. 656, col.
2, [Lexical Analysis Phase]; pg. 657, col. 1, [Semantic Analysis Phase]).

Regarding claim 8 and 51, Petropoulos and Pratt discloses the method where the
determining whether the query is a commercial query further includes:

determining whether the query is a commercial query based at least in part on user-
supplied data (*user entered the query "causes of migraines" can be matched to
"migraines/etiology"; Pratt: pg. 655, col. 1*) regarding the query or documents that match the
query (Petropoulos: [0071 & 0081]) and (Pratt: pg. 655. col. 1, lns. 1-col. 2, lns. 20).

Regarding claim 48, Petropoulos and Prett disclose the server where the processor is
further configured to execute the instructions to:

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retrieve one or more documents relating to the query (Petropoulos: pg. 5, [0071, 0077]),
and

score the one or more documents based at least in part on a first set of criteria when the query is not identified as commercial (*the process is configured to promote non-commercial material; paragraph 0071*) (Petropoulos: [0060, 0066-0067, 0071, 0076]) and (Pratt: pg. 655, col. 2, lns. 27-30).

Regarding claim 49, Petropoulos and Pratt disclose the server where the processor is further configured to execute the instructions to:

retrieve one or more documents relating to the query (Petropoulos: pg. 5, [0071, 0077]),
and

score the one or more documents based at least in part on a second, different set of criteria when the query is identified as commercial (*the process may be reconfigured to emphasize commercial or converting material; paragraph 0071*) (Petropoulos: [0061, 0066-0067, 0071, 0076]) and (Pratt: pg. 655, col. 2, lns. 27-30).

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-11 and 46-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA M. PYO whose telephone number is (571)272-8192. The examiner can normally be reached on Mon- Fri 8:00 - 2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Monica M Pyo/
Examiner, Art Unit 2161

10/2010